

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

Melissa L. Peck, Damon A. Peck,

Case No. 25-00885-HWV

U.S. Bank Trust National Association,
Movant

Chapter 13

vs.

Melissa L. Peck, Damon A. Peck,
Debtor,

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank Trust National Association, not in its individual capacity but solely as Trustee of Fidelity & Guaranty Life Mortgage Trust 2018-1 ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 21), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 1, 2025.
2. Movant holds a security interest in the Debtor's real property located at 2448 S Queen St, York, PA 17402 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on April 15, 2025 (Doc 21).
4. Debtor's Plan fails to provide for payment of Movant's estimated prepetition arrearage claim.
5. Furthermore, Debtors' will qualify for a HELOC or refinance within a year after

filing. In addition, Debtors' Plan fails to indicate how the Debtors will treat Movant's claim in the event the HELOC or refinance doesn't go through. Movant requests that its prepetition arrearage claim be treated in the Plan as the HELOC or refinance has not been established.

6. Additionally, the debtor's ability to obtain a HELOC is remote and speculative.

7. Movant has not yet filed a proof of claim but will do so prior to the expiration of the claims deadline. According to preliminary figures, the arrearage is \$11,593.24.

8. Therefore, Confirmation of the Plan should be denied until Debtors amend the Plan to properly treat Movant.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Brian Nicholas

Brian Nicholas
Pennsylvania BAR NO. 317240
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

Debtor's Attorney
Elizabeth Haley Rohrbaugh
CGA Law Firm
135 N. George Street
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hrohrbaugh@cgalaw.com

Trustee
Jack N Zaharopoulos
Standing Chapter 13
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Bankruptcy Trustee

United States Trustee
US Courthouse
1501 N. 6th Street
Harrisburg, PA 17102

Via First Class Mail:

Melissa L. Peck
Damon A. Peck
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New Freedom, PA 17349

/s/Brian Nicholas

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